REMARKS/ARGUMENTS

Claims 1-22 remain in this application.

Rejection Under 35 USC 102

Claims 1-22 were rejected under 35 U.S.C. 102 as being unpatentable over Kenet et al. See pages 2-6 of the Office Action. Applicants respectfully disagree.

According to the Office Action, Kenet et al. discloses the method of promoting a skin care product of claim 1. As stated in the prior amendment filed on July 30, 2003 ("Prior Amendment"), while Kenet et al. discloses taking and standard photographs, fluorescent photographs, and polarized photographs, and it does disclose the use of photography for use in the choice of color cosmetics, it does not specifically disclose, nor suggest, which type of photographs should be used to promote a skin care product, nor does it teach using multiple types of photographs for such a method as recited in claim 1.

According to the Office Action, "these features are not considered because they are not recited in claim 1." See page 2 of the Office Action. Applicants respectfully disagree, as claim 1 clearly recites taking at least two types of photographs (e.g., a standard photograph and an additional photograph selected from the group consisting of an ultraviolet photograph, a blue florescence photograph, and a polarized photograph). Such a method is not disclose, nor suggested, by Kenet et al.

With respect to claim 2, as stated in the Prior Amendment, while Kenet et al. does disclose using the images to "assist in other decision making, such as the choice of a cosmetic of the appropriate color (col. 26, lines 54-55)," it does not disclose, nor suggest, "presenting said person with one or more questions relating to said presented photographs" as recited in claim 2. As stated in the Prior Amendment, Applicants do not agree that the term "assist" inherently involves asking questions to the person whom was photographed, nor that such questions would relate to the presented photographs (e.g., the physician or machine may make the decision on its own without input from the photographed subject).

As discussed in the Prior Amendment, with respect to claims 3 and 4, while Kenet et al. does disclose the possibility of taking a polarized photograph, it does not disclose, nor suggest, taking such photograph along with a standard photograph, and using such photographs in the methods of claims 3 and 4. According to the Office Action, "these features are not considered because they are not recited in claims 3 and 4." See page 2 of the Office Action. Applicants respectfully disagree, as claim 1 (from which claims 3 and 4 depend) clearly requires taking of a

standard photograph and claims 3 and 4 clearly recites the further taking of a polarized photograph.

With respect to claims 5 and 6, as stated in the Prior Amendment, while Kenet et al. does disclose the possibility of taking an ultraviolet photograph, it does not disclose, nor suggest, taking such photograph along with a standard photograph, and using such photographs in the methods of claims 5 and 6. . According to the Office Action, "these features are not considered because they are not recited in claims 3 and 4." See page 2 of the Office Action. Applicants respectfully disagree, as claim 1 (from which claims 5 and 6 depend) clearly requires taking of a standard photograph and claims 5 and 6 clearly recites the further taking of an ultraviolet photograph.

With respect to claims 7 and 8, as discussed in the Prior Amendment, while Kenet et al. does disclose the possibility of taking an ultraviolet photograph, as discussed above it does not disclose, nor suggest, taking such photograph along with a standard photograph and a polarized photograph, and using such photographs in the methods of claims 7 and 8. According to the Office Action, "these features are not considered because they are not recited in claims 7 and 8." See page 2 of the Office Action. Applicants respectfully disagree, as claim 1 (from which claims 3 and 4 depend) clearly requires taking of a standard photograph, claims 3 and 4 (from which claims 7 and 8 respectively depend) clearly recites the further taking of a polarized photograph, and claims 7 and 8 clearly recites the further taking of an ultraviolet photograph.

With respect to claims 9 and 10, as discussed in the Prior Amendment, while Kenet et al. does disclose the possibility of taking a polarized photograph, as discussed above, it does not disclose, nor suggest, taking such photograph along with a standard photograph, and using such photographs in the methods of claims 9 and 10. According to the Office Action, "these features are not considered because they are not recited in claims 9 and 10." See page 3 of the Office Action. As discussed above with respect to claims 3 and 4, Applicants respectfully disagree.

With respect to claims 11 and 12, as discussed in the Prior Amendment, while Kenet et al. does disclose the possibility of taking an ultraviolet photograph, it does not specifically disclose, nor suggest, using an ultraviolet A filter. Further, Kenet et al. does not disclose taking such photograph along with a standard photograph and using such photographs in the methods of claims 11 and 12. With respect to claims 13 and 14, while Kenet et al. does disclose the possibility of taking an ultraviolet photograph, it does not specifically disclose, nor suggest, using an ultraviolet A filter. Further, Kenet et al. does not disclose taking such photograph along with a standard photograph and using such photographs in the methods of claims 13 and 14. According to the Office Action, "ultraviolet radiation includes ultraviolet A and ultraviolet B

radiation." See Page 3 of the Office Action. This is exactly Applicants point, Kenet et al. does not disclose or suggest use of a filter that filters incoming light to emit substantially only light having a wavelength of from about 320 to about 400 nm. See Page 12, lines 24-26 of the Specification.

As discussed in the Prior Amendment, with respect to claims 15, 16, 17, and 18, while Kenet et al. does disclose the possibility of taking multiple photographs with a single camera, as discussed above, it does not disclose, nor suggest, the methods of claim 1, 2, 10, and 14, from which claims 15, 16, 17, and 18, respectively, depend. According to the Office Action, "applicant does not explain why Kenet et al. do not disclose the features of claims 15-18." See page 3 of the Office Action. Applicants respectfully direct examiner's attention to the arguments made above with respect to claims 1, 2, 10, and 14.

As discussed in the Prior Amendment, with respect to claims 19, 20, 21, and 22, while Kenet et al. does disclose the possibility of "multispectral acquisition" in rapid succession, e.g., photographs using different wavelengths of light, (see col. 11, lines 26-35), it does not disclose taking the multiple types of photographs of claim 1 with a single camera within a period of less than 30 seconds. Further, Kenet et al. does not disclose, nor suggest, the method of claim 15, 16, 17, and 18, from which claims 19, 20, 21, and 22, respectively, depend. According to the Office Action, "as explained in the previous Office action, the term "rapid succession" refers to a period of less than about 30 seconds." See page 3 of the Office Action. Applicants, however, wish to point out that such period of less than about 30 seconds in claims 19-22 refers to the period of time between the taking of the standard and said at least one additional photograph, which is not disclosed, or suggested by Kenet et al.

Applicants, thus, respectfully request that the above rejection under 35 USC 102 be withdrawn.

Applicants believe that the new claims are patentable over the prior art cited above. Accordingly, applicants respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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